

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas.
February 1, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem, K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.

Absent—Excused.

Woodruff.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Moore.

Committee Reports.

(See Appendix.)

Minutes of Committee Meeting.**Bills and Resolutions.****Senate Bill No. 200.**

By Senators Duggan, Holbrook, and Woodruff:

S. B. No. 200, A bill to be entitled "An Act to provide that no Commissioners' Court or governing body of any city or town shall make contracts calling for or requiring the expenditure or payment of \$2,000.00 or more, without first submitting such proposed contract to competitive bids; requiring that notice of the time and place such bids will be received shall be published; prescribing the time for such; and declaring an emergency."

Read and referred to the Committee on Counties and County Boundaries.

Senate Bill No. 201.

By Senator Neal:

S. B. No. 201, A bill to be entitled "An Act amending Section 1-a, Chap-

ter 140 of the Regular Session of the Forty-second Legislature of Texas providing for the organization of school districts, common or independent by the county board of school trustees out of parts of existing school districts on petition of majority of qualified voters residing therein and providing an appeal to the State Board of Education from the action of the county board of school trustees; providing that failure or refusal of such board to act shall be treated as a final order to establish such district and that hearing for State Board shall be de novo; repealing all provisions in conflict herewith and making this cumulative, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 202.

By Senator Small:

S. B. No. 202, A bill to be entitled "An Act to provide for and regulate nominations of candidates for District Judges, Criminal District Judges, Justices of the Court of Civil Appeals, Judges of the Court of Criminal Appeals, and Justices of the Supreme Court by political parties casting one hundred thousand votes or more for their candidate for Governor at the next preceding general election, making this Act take precedence over and repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Senate Bill No. 203.

By Senator Small:

S. B. No. 203, A bill to be entitled "An Act to validate all tax levies for road purposes only, made under authority of Section 9 of Article 8 of the Constitution of the State of Texas, where such levies apply to entire counties but which were voted by separate subdivisions of such counties under Article 6790 of the Revised Civil Statutes of Texas, providing that this Act shall not validate any tax levy which is now in litigation, nor affect pending litigation, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 204.

By Senator Small:

S. B. No. 204, A bill to be entitled "An Act amending Section 2 of Chap-

ter 209, page 450, Acts Regular Session Forty-first Legislature so as to provide for a closed season on wild prairie chickens and pinnated grouse in the counties of Collingsworth, Wheeler, Hemphill, Lipscomb, Gray, Roberts, and Donley for a period of five years, and declaring an emergency."

Read and referred to the Committee on Game and Fish.

Senate Bill No. 205.

By Senator Small:

S. B. No. 205, A bill to be entitled "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 206.

By Senator Small:

S. B. No. 206, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to accept, approve and file corrected field notes to any survey of land in Swisher County where said corrected field notes are made by a duly authorized official land surveyor and based upon the "Hutchison Iron Pipe Survey;" authorizing the present owners of said surveys to purchase excess acreage revealed by said corrected field notes at a price of two dollars per acre; providing that said resurveys shall not shift the lines of any survey where the lines of said surveys have been fixed by a court decree or by contract in writing between the parties; providing that patents may be issued on said resurveys made in accordance with this Act; providing that all patents so issued shall inure to the benefit of all holders of a portion of a survey, and that said patents shall not disturb the divisional or partitioning lines of surveys where said surveys are divided into smaller tracts, and declaring an emergency."

Read and referred to the Committee on Public Lands.

Senate Bill No. 207.

By Senator Small:

S. B. No. 207, A bill to be entitled "An Act amending subdivision 5 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925, by distinctly specifying that the county for the performance of the

obligation which is involved in the suit, must be named by the writing expressly, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 208.

By Senator Small:

S. B. No. 208, A bill to be entitled "An Act to preserve filed pleadings by making just and convenient regulations to such end, repealing all conflicting laws, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 209.

By Senator Small:

S. B. No. 209, A bill to be entitled "An Act amending Article 308 of the Revised Statutes by adding thereto provision that attorneys from other jurisdictions shall be required to pass the examination given to other applicants, with exception respecting participation by such attorneys in the trial of hearing of any particular case wherein a resident practicing attorney of Texas is actually employed, associated and personally participating; repealing all laws in conflict; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 210.

By Senator Small:

S. B. No. 210, A bill to be entitled "An Act making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year, and declaring an emergency."

Read and referred to the Committee on Game and Fish.

Senate Bill No. 211.

By Senator Small:

S. B. No. 211, A bill to be entitled "An Act amending Article 2237 of the Revised Statutes by dispensing with bills of exception to action on written motions, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 212.

By Senator Small:

S. B. No. 212, A bill to be entitled "An Act to give further certainty to appellate jurisdiction by adding to the Revised Statutes, Article 1840a providing for waiver and cure of objection as to the various notices and bonds required for its perfection, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 213.

By Senator Small:

S. B. No. 213, A bill to be entitled "An Act amending Chapter 8, Title 42, of the Revised Statutes of 1925, by adding an article empowering the judge to change venue on his own motion and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 214.

By Senator Small:

S. B. No. 214, A bill to be entitled "An Act providing for waiver of defects, omissions and faults in pleading, repealing all conflicting laws and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 215.

By Senator Small:

S. B. No. 215, A bill to be entitled "An Act authorizing the commissioners' court of any county that has heretofore sold school land to discount, sell, or transfer obligations representing deferred payments on said land for less than face value and to release or transfer the lien securing such obligation on such terms as may be deemed advantageous and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 216.

By Senator Westerfeld:

S. B. No. 216, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the Public Treasury; au-

thorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of a copy of the order of the court under seal of the court, and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Resolution No. 33.

Senator Burns sent up the following resolution:

Be it resolved by the Senate of the State of Texas:

That the Committee on Governor's Nominations is hereby given authority and the power to issue and have served subpoenas upon persons living in the State of Texas and to compel their attendance before said committee and the chairman of said committee shall issue said subpoena and direct the same to any sheriff or constable of the State of Texas and said sheriff or constable fee shall be paid out of the Contingent Expense Fund of the Regular Session of the Forty-fourth Legislature.

BURNS.

Read.

Senator Burns asked unanimous consent to suspend the Senate rule requiring resolutions to be sent to a committee with reference to S. R. No. 33.

Senator Rawlings objected.

Senator Burns moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. R. No. 33 be taken up and considered at this time.

Senator Burns sent up the following amendment to S. R. No. 33:

Amend S. R. No. 33, by adding the following:

Witnesses who are subpoenaed are hereby allowed the same mileage and pay that is allowed witnesses in the district court of this State and shall be paid upon a sworn statement signed by the chairman of the committee.

BURNS.

Point of Order.

Senator Rawlings raised a point of order that S. R. No. 33 was not before the Senate for consideration.

The Chair President Pro Tem. K. M. Regan sustained the point of order.

Pending business was the motion of Senator Burns.

The motion lost, not having received the required two-thirds vote:

Yeas—15.

Blackert.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hill.	Regan.
Hornsby.	Westerfeld.

Nays—10.

Davis.	Rawlings.
Holbrook.	Sanderford.
Hopkins.	Small.
Hughston.	Sulak.
Martin.	Van Zandt.

Absent.

Beck.	Stone.
Shivers.	

Absent—Excused.

Fellbaum.	Woodruff.
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H. C. R. No. 9.

Senator Beck asked unanimous consent to send up the committee report on H. C. R. No. 9.

Consent was granted.

Senator Oneal requested that H. C. R. No. 9 be re-referred to the Committee on Public Health for further consideration.

Consent was granted.

Senator Beck asked unanimous consent to withdraw the committee report on H. C. R. No. 9.

Consent was granted.

S. C. R. No. 13.

Senator Hopkins sent up the following resolution:

S. C. R. No. 13.

Whereas, Pursuant to resolution dated June 15, 1934, of the National House of Representatives there was created what is known as the Cole Committee to investigate the petroleum industry; and

Whereas, Said Committee has made detailed investigations of the industry, based on many public hearings held in the oil producing states, and has filed its report on January 2, 1935, which said report and its rec-

ommendations are now pending in committee of the Congress; and

Whereas, On December 3, 1934, and on January 3, 1935, joint meetings were held at Ponca City, Oklahoma, following the call of the Governor of Oklahoma of the governors, newly-elected governors and their representatives of the oil producing states to discuss and consider the advisability of formulating a compact between such states looking to the conservation of petroleum and natural gas, and the prevention of physical waste of our natural resources; and

Whereas, Within the near future another such joint conference is scheduled to be held at which time it is contemplated that definite and concrete plans will be submitted as to the subject matter and form of said proposed state compact; and

Whereas, The people of Texas always have and do now subscribe to the fundamental doctrine that monopoly, regimentation and price fixing of commodities is contrary to the spirit and genius of a free people; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Governor of the State of Texas, or in the event of his inability to act, his duly appointed representative or representatives, is hereby authorized, empowered and directed to appear for and represent the State of Texas, as herein directed, at a conference of the duly authorized representatives of the oil producing states for the purpose of discussing, formulating and recommending a form of compact between said states to accomplish the conservation of petroleum and natural gas and the prevention of physical waste of these natural resources, without price fixing and without the creation or perpetuation of monopoly or regimentation, such compact, subject to the consent thereto by the Congress of the United States, to become binding upon this State only upon its approval by the Legislature of the State of Texas; and be it further

Resolved, That proper report of the proceedings of said conference be made to the present session of this the Forty-fourth Legislature of Texas.

HOPKINS,
HOLBROOK.

Read.

Laid on Table Subject to Call.

Senator Hopkins moved that S. C. R. No. 13 be laid on the table subject to call.

The motion prevailed by viva voce vote.

H. C. R. No. 6.

The Chair laid before the Senate, Senate Committee Substitute for H. C. R. No. 6, which had been set for special order Friday at 11:00 o'clock a. m.

Senator Holbrook moved that the committee substitute for H. C. R. No. 6 be adopted as amended.

Pending.

H. C. R. No. 26.

Senator Hopkins asked unanimous consent to call up H. C. R. No. 26. Unanimous consent was granted.

The Chair laid before the Senate H. C. R. No. 26:

"Empowering the Governor of Texas or his representative or representatives to attend a joint meeting of all governors with the Cole Committee of the National House of Representatives to investigate the petroleum industry."

Senator Hopkins asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 26 be taken up and considered at this time.

Unanimous consent was granted.

Senator Hopkins sent up the following amendment:

Amend H. C. R. No. 26, last paragraph, page 2, line 9, by inserting after the words "price fixing," the words "and without."

HOPKINS.

Read and adopted.

Senator Hopkins moved the adoption of H. C. R. No. 26 as amended.

The motion prevailed by viva voce vote.

H. C. R. No. 6.

Recurring business was the motion of Senator Holbrook to adopt the committee substitute for H. C. R. No. 6, as amended.

Pending.

Previous Question.

Senator Holbrook moved the previous question on the adoption of

committee substitute for H. C. R. No. 6, and pending amendments.

The motion was seconded.
Pending.

H. C. R. No. 6.

Senator Oneal was recognized to send up the following amendments to committee substitute for H. C. R. No. 6:

Amend S. C. S. to H. C. R. No. 6, by striking out all of the first clause beginning with "Whereas,"

Read and pending.

Senate Bill No. 217.

Senator Burns received unanimous consent to send up a bill:

By Senators Burns and Hopkins: S. B. No. 217. A bill to be entitled "An Act to amend H. B. No. 19, Chapter 44, page 98, Acts, First Called Session, Forty-first Legislature, providing for the compensation and hospitalization under certain conditions of certain employees of the State Penitentiary System, repealing all laws in conflict therewith; and declaring an emergency."

Read and referred to the Committee on Penitentiaries.

Motion to Recess.

Senator Poage at 12:10 o'clock p. m., moved that the Senate recess until 2 o'clock p. m.

The motion lost by the following vote:

Yeas—8.

Blackert.	Oneal.
Cotten.	Poage.
Duggan.	Sulak.
Neal.	Van Zandt.

Nays—21.

Beck.	Moore.
Burns.	Pace.
Collie.	Rawlings.
Davis.	Redditt.
Fellbaum.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Westerfeld.
Martin.	

Present—Not Voting.

DeBerry.

Absent.

Woodruff.

H. C. R. No. 6.**Previous Question.**

Pending motion was on the previous question.

The Senate refused to order the previous question, by the following vote:

Yeas—8.

Davis.	Pace.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Martin.	Westerfeld.

Nays—19.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Stone.
Hill.	Sulak.
Hornsby.	Van Zandt.
Hughston.	

Present—Not Voting.

Small.	Woodruff.
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Absent.

Rawlings.	Fellbaum.
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Senator Oneal had the floor on his pending amendment.

Points of Order.

Senator Van Zandt raised a point of order that Senator Oneal had the floor on the discussion of his amendment and no other matter.

The Chair sustained the point of order.

Senator Rawlings raised the point of order that the motion had been made to adopt the committee substitute before any amendments had been sent up.

Senator Stone raised the point of order that only one amendment could be voted upon at a time.

Senator Rawlings raised the point of order that the Oneal amendments would have to be voted upon one at a time.

The Chair sustained the point of order.

Pending business was Oneal Amendment No. 1.

Motion to Table.

Senator Rawlings moved to table Amendment No. 1 by Senator Oneal.

The motion to table prevailed by the following vote:

Yeas—16.

Cotten.	Pace.
Davis.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.

Nays 13.

Beck.	Hughston.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Poage.
DeBerry.	Regan.
Duggan.	Sulak.
Hill.	

Absent.

Shivers.	Woodruff.
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Amendment No. 2.

Senator Oneal sent up the following amendment:

Amend S. C. S., H. C. R. No. 6 by adding immediately after the word "offices" in the second line of the second paragraph on page two the following: "including candidates for the State Senate and House of Representatives."

ONEAL.

Read and adopted.

Amendment No. 3.

Amend S. C. S., H. C. R. No. 6, by adding after the word "Departments," in the last paragraph on page two the following: "and including the members of the State Senate and House of Representatives."

ONEAL.

Read and adopted.

Amendment No. 4.

Amend S. C. S., H. C. R. No. 6, by striking out of the last paragraph beginning with "Whereas," (on page three) the following: "it being impracticable, if not impossible, to prepare a questionnaire that will properly elicit all of the facts;"

ONEAL.

Read.

Motion to Table.

Senator Hopkins moved to table Amendment No. 4, by Oneal.

The motion to table prevailed by the following vote:

Yeas—22.

Beck.	Martin.
Burns.	Neal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Fellbaum.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Westerfeld.

Nays—7.

Blackert.	Poage.
DeBerry.	Sulak.
Moore.	Van Zandt.
Oneal.	

Absent.

Duggan.	Woodruff.
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Amendment No. 5.

Amend S. C. S., H. C. R. No. 6, by striking out of the paragraph beginning with "Be it resolved" (on page three) the following: "appoint a joint committee composed of six members, three to be appointed by the Lieutenant Governor and three by the Speaker of the House," and insert in lieu thereof the following: "appoint a joint committee composed of seven members, three to be appointed by the Lieutenant Governor, three by the Speaker of the House, and one by the Attorney General, which member shall be a lawyer of outstanding ability and integrity."

ONEAL.

Read and adopted.

Amendment No. 6.

Amend S. C. S., H. C. R. No. 6, by adding immediately after the semicolon following the word "basis" in the third line from the bottom of the paragraph beginning with "Be it resolved" (on page four) the following:

"and the names of any and all such organizations, corporations, associations and persons from whom they have accepted such retainers as salary or other compensation on a monthly, yearly or constituent basis

since the primary election in the year 1930, together with the date of the beginning of such employment and such member shall give full information concerning such employment and compensation."

ONEAL.

Read.

Second reading called for.

Adopted by viva voce vote.

Amendment No. 7.

Amend S. C. S., H. C. R. No. 6, by adding immediately after the paragraph dealing with receivers (page seven) another paragraph as follows:

"As the original purpose of H. C. R. No. 6 was the salutary one of letting the people of Texas know what employment their members of the Legislature have in order that confidence in the Government may be justified and strengthened and as the Legislators by the very nature of their offices and public services required, will within a few months have completed the greater part of the duties for which they were elected to their present terms, said committee shall take up first and complete the investigation as to the members of the Legislature and thereafter report immediately to the Legislature on this phase of the investigation."

ONEAL.

POAGE.

Read.

Motion to Table.

Senator Hopkins moved to table the Oneal amendment No. 7.

The motion to table prevailed by the following vote:

Yeas—17.

Cotten.	Pace.
Davis.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	

Nays—13.

Beck.	Hughston.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Sulak.
DeBerry.	Van Zandt.
Duggan.	Westerfeld.
Hill.	

Absent.

Woodruff.

Amendment No. 8.

Amend S. C. S. H. C. R. No. 6, by adding immediately after the paragraph requiring the committee to make investigation as to the members of the Legislature first, the following paragraph, as follows:

"And immediately after the investigation of the members of the Legislature, the committee shall proceed diligently with their further duties under this resolution."

ONEAL.

Read.

Read the second time.

Point of Order.

Senator Holbrook raised the point of order that amendment No. 8 was out of order as it was the same as the Senate had previously rejected.

The Chair sustained the point of order.

Amendment No. 9.

Amend S. C. S. H. C. R. No. 6, by inserting before the first paragraph (page 12) beginning with "be it resolved" the following:

"All hearings at which any testimony or evidence is taken or received by the committee shall be open and public hearings; and all testimony or evidence received by the committee shall be taken in question and answer form and transcribed and verified copies of said testimony shall be filed by the committee as public records with each House of the Legislature; and photostatic copies of all documentary evidence received shall also be filed with the transcribed testimony."

ONEAL,
POAGE.

Read.

Motion to Table.

Senator Hopkins moved to table amendment No. 9.

The motion to table prevailed by the following vote:

Yeas—20.

Beck.	Fellbaum.
Burns.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.
Davis.	Hughston.

Martin.
Pace.
Rawlings.
Redditt.
Regan.

Sanderford.
Shivers.
Small.
Stone.
Sulak.

Nays—10.

Blackert.
DeBerry.
Duggan.
Hill.
Moore.

Neal.
Oneal.
Poage.
Van Zandt.
Westerfeld.

Absent.

Woodruff.

Senator Hill sent up the following amendment:

Amend the amendment by Senator from Eastland, being proposed paragraph 22, by adding after the word "criminal" the words "and civil and probate since January 1, 1935."

HILL,
BURNS.

Read and adopted.

Senator DeBerry sent up the following amendments:

Amend C. S. to H. C. R. No. 6, by adding after the word "purposes" (the last word in the first paragraph on page 8) the following:

"Provided further that such committee shall make all such inquiries and investigations alluded to in this paragraph if all defeated candidates who ran in the same race at the time of the election or nomination of all such public officials as are mentioned in this paragraph."

DeBERRY.

Read and adopted.

Amend C. S. to H. C. R. No. 6, by inserting after the word "Receivers" in the second line of the third paragraph on page 7 the following:

"referees or trustees in bankruptcy proceedings."

And in the same paragraph after the word "receiverships" in the next to the last line insert the following:

"or trustee or referee in bankruptcy fee or compensation."

DeBERRY.

Read and adopted.

Motion to Adopt.

Senator Hopkins moved that the committee substitute as amended be adopted.

Previous Question.

Senator Rawlings moved that the previous question be ordered on the motion to adopt.

The motion was seconded.

The previous question was ordered by the following vote:

Yeas—18.

Burns.	Moore.
Cotten.	Pace.
Davis.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.

Nays—11.

Beck.	Oneal.
Blackert.	Poage.
Collie.	Sulak.
DeBerry.	Van Zandt.
Hill.	Westerfeld.
Hughston.	

Absent.

Neal. Woodruff.

Points of Order.

Senator Poage raised the point of order that the substitute was not before the Senate.

Senator Holbrook raised a point of order that no amendments could have been offered if the substitute had not been before the Senate.

The Chair, President Pro Tem. K. M. Regan, sustained the point of order.

The question recurred on the motion of Senator Hopkins on adoption of C. S. for H. C. R. No. 6.

The motion prevailed by the following vote:

Yeas—20.

Burns.	Hughston.
Collie.	Martin.
Cotten.	Pace.
Davis.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.

Nays—10.

Beck.	DeBerry.
Blackert.	Moore.

Neal.
Oneal.
Poage.

Sulak.
Van Zandt.
Westerfeld.

Absent.

Woodruff.

Motion to Adopt.

Senator Small moved the adoption of H. C. R. No. 6, as substituted and amended.

Previous Question Ordered.

Senator Hopkins moved the previous question be ordered on the motion.

The motion was seconded.

The previous question was ordered by the following vote:

Yeas—21.

Burns.	Moore.
Cotten.	Neal.
Davis.	Pace.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Stone.
Martin.	

Nays—9.

Beck.	Poage.
Blackert.	Sulak.
Collie.	Van Zandt.
DeBerry.	Westerfeld.
Oneal.	

Absent.

Woodruff.

Point of Order.

Senator DeBerry raised a point of order that Senator Small did not have the floor on his motion as the previous question was ordered.

The Chair, President Pro Tem. K. M. Regan, sustained the point of order.

The motion by Senator Small to adopt H. C. R. No. 6, as substituted and amended prevailed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cotten.
Burns.	Davis.

DeBerry.	Pace.
Duggan.	Poage.
Fellbaum.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Hughston.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.

Absent.

Woodruff.

Motion to Reconsider.

Senator Holbrook moved to reconsider the vote by which the Senate adopted H. C. R. No. 6.

Motion to Table.

Senator Stone moved to table the motion to reconsider.

The motion to table prevailed by viva voce vote.

House Bill No. 172.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the passage of general bills during the first 40 days of the session was suspended and consent was granted to take up and consider the following bill, by the following vote:

Yeas—26.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.

Absent.

Blackert.	Martin.
Davis.	Woodruff.

By Mr. Lindsey:

H. B. No. 172, A bill to be entitled "An Act repealing S. B. No. 866, Chapter 185, and H. B. No. 104, Chapter 84, Acts of the Forty-third Legislature in its Regular Session

in 1933, and to amend Sections 1, 2, and 6, Chapter 148 of the General Laws passed by the Forty-second Legislature in its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas Parks Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The constitutional rule requiring bills to be read on three several days be suspended and H. B. No. 172 passed to second reading by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Moore.	Westerfeld.
Neal.	

Absent.

Blackert.	Martin.
Davis.	Woodruff.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 172 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Hopkins.
Burns.	Hornsby.
Collie.	Hughston.
Cotten.	Martin.
DeBerry.	Moore.
Duggan.	Neal.
Fellbaum.	Oneal.
Hill.	Pace.
Holbrook.	Poage.

Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Small.	

Absent.

Blackert.	Shivers.
Davis.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	

Nays—1.

DeBerry.

Absent.

Blackert.	Martin.
Burns.	Woodruff.
Davis.	

H. C. R. No. 25.

The Chair laid before the Senate H. C. R. No. 25.

Extending an invitation to Hon. F. A. Silcox, National Forester, and Hon. J. C. Kircher, Regional Forester, to visit the State of Texas.

Senator Redditt moved that the constitutional rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 25 be taken up and considered at this time.

The motion prevailed by viva voce vote.

Senator Redditt moved the adoption of H. C. R. No. 25.

The motion prevailed by viva voce vote.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 31, 1935.
Hon Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

S. B. No. 81, A bill to be entitled "An Act amending Article 4204 of the Revised Civil Statutes of 1925 by adding thereto a provision authorizing guardians of estates owning real estate which has been foreclosed upon to file an application to the court for authority to convey said real estate to former owner and mortgage debtor thereof who is eligible for a loan thereon from the Home Owners' Loan Corporation, the Federal Land Bank or any other entity, corporation or agency now created, or hereafter to be created, by any Act or Acts of Congress or of the State of Texas, for a consideration partly or entirely evidenced by vendor's lien notes, authorizing an order to be entered thereon approving such conveyance, authorizing the assignment of the notes taken in exchange for the conveyance to such leading agency in exchange for bonds thereof, providing that the provision of Article 4204 in regard to credit sales of real estate by guardians may be dispensed with in all such cases, and declaring an emergency."

H. C. R. No. 21, Requesting the Interscholastic League of Texas to include in the subject matter of declamations and essays the lives and deeds of all heroes of the Southern Confederacy and of the State of Texas.

H. C. R. No. 23, Relative to recognizing "Alfalfa Bill" Murray as a statesman and leader of men.

H. C. R. No. 24, Relating to the endorsement of the program of policies of the National Administration in regard to public utilities.

H. C. R. No. 25, Extending an invitation to Honorable F. A. Silcox, National Forester, and Honorable J. C. Kircher, Regional Forester, to visit the State of Texas.

H. C. R. No. 26, Empowering the Governor of Texas or his representative or representatives to attend a joint meeting of all governors with the Cole Committee of the National House of Representatives to investigate the petroleum industry.

S. C. R. No. 9, Requesting the

President and the Congress of the United States to give careful consideration to the promulgation of any new public works program in the construction of highways and public roads in the United States.

S. C. R. No. 12, Relative to Inter-scholastic League of Texas.

S. C. R. No. 11, Authorizing the Board of Control to close the drives and north gate of the Capitol grounds to such traffic as it may deem advisable.

(With amendment.)

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Resolution Referred.

H. C. R. No. 21 was referred to the Committee on Educational Affairs.

H. C. R. No. 24 was referred to the Committee on State Affairs.

Resolution Signed.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 22.

Senator Excused.

Senator Woodruff was excused on account of important business on motion of Senator Davis.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office.

Austin, Texas Feb. 1, 1935.

To the Forty-fourth Legislature:

I desire to submit the following emergency matter for immediate action:

By legislative enactment, three of the oil producing states, to-wit, Oklahoma, New Mexico and California, have authorized the Governors of such states to confer and negotiate with the Governors of other oil producing states with reference to an interstate compact looking to the conservation of petroleum and natural gas. I am in receipt of a communication from the Governor of Oklahoma stating that his Representative (the Hon. W. J. Holloway, a former Governor of that state), will

come to Austin on Saturday, February 2nd, for the purpose of conferring with me with reference to an interstate compact.

Prior to my inauguration, I participated, unofficially, in two conferences called by the Governor-elect of Oklahoma to discuss a possible interstate compact between the oil producing states. It is possible that as Governor, I have the authority to continue such negotiations, but I do not wish to do so without the authority and approval of the Legislature.

As stated in my opening message to the Legislature, I believe that the State, and the State alone, has the constitutional right to regulate the production of oil and gas, and I am sure that we in Texas propose to do this thing ourselves. I believe, however, that we should at all times stand ready to cooperate with our sister states to achieve the true purposes of conservation.

I therefore urge this Legislature to immediately authorize the Governor, or his representative, to meet, discuss and negotiate with the representatives of the Governors of other oil producing states the matter of an interstate compact looking to the true conservation of our natural resources. I would expect, of course, to report back to the Legislature from time to time the results of such negotiations and submit for the approval of the Legislature any proposed compact.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Adjournment.

On motion of Senator Cotten, the Senate at 2:40 o'clock p. m., adjourned until 10:00 o'clock Monday morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 31, 1935.

Hon. K. M. Regan, President Pro Tem, of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred S. C. R. No. 10, requesting that the Congress of the United States, and without further delay, pass the "Frazier-Lemke Farm Re-finance Bill, S. 212 and H. R. 2066."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. C. R. No. 9, granting Joe B. Friedel permission to operate a cigar stand in the Capitol Building.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be not adopted.

BECK, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

H. B. No. 172, A bill to be entitled "An Act repealing S. B. No. 566, Chapter 185, and H. B. No. 104, Chapter 84, Acts of the Forty-third Legislature in its Regular Session in 1933, and to amend Section 1, 2 and 6, Chapter 148 of the General Laws passed by the Forty-second Legislature in its Regular Session in 1931, relating to the authority of counties and incorporated cities and the Texas State Parks Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1935.
Hon. K. M. Regan, President Pro Tem. of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 90, A bill to be entitled "An Act providing for the issuance of Three Million Five Hundred Thousand Dollars of Texas Relief Bonds, Fourth Series."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as

amended, and be not printed, but that the committee amendment be printed.

REDDITT, Chairman.

Committee Amendment.

Amend S. B. No. 90, by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. In conformity with the provisions of Section 51-a, Article 3 of the Constitution of the State of Texas, the Legislature of the State of Texas hereby issues Three Million Five Hundred Thousand (\$3,500,000.00) Dollars of bonds. Said bonds shall be designated "Texas Relief Bonds, Fourth Series."

A. Such bonds are issued on the faith and credit of the State of Texas, and are general obligations of the State, and the principal and interest of said bonds are payable from all monies received by the State, except revenues derived from ad valorem taxes on real property, provided that the indebtedness as evidenced by said bonds shall never become a charge against or lien upon any property, real or personal, within this State.

B. Such bonds shall be numbered consecutively, beginning with Number One, and shall be in such denominations as shall be designated by the Texas Bond Commission, aggregating Three Million Five Hundred Thousand (\$3,500,000.00) Dollars.

C. They shall be dated May 1st, 1935, and the principal of said bonds shall mature as follows:

\$500,000.00 on May 1, 1936.
\$500,000.00 on May 1, 1937.
\$500,000.00 on May 1, 1938.
\$500,000.00 on May 1, 1939.
\$500,000.00 on May 1, 1940.
\$500,000.00 on May 1, 1941.
\$500,000.00 on May 1, 1942.

D. They shall bear interest at a rate to be fixed by the Texas Bond Commission not to exceed three and one-fourth per cent (3¼%) per annum, payable semi-annually on May 1st and November 1st of each year, the first interest being due and payable November 1st, 1935.

E. The principal and interest shall be payable on the maturity dates thereof in lawful money of the United States upon presentation and surrender of bonds or proper coupons at the office of the Treasurer of the State of Texas, at Austin, Texas.

F. They shall be exempt from taxation by the State of Texas or by any county, municipal or quasi-municipal corporation or by any other political subdivision in or of the State or of any county thereof.

G. Said bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, including funds of every character which can be deposited by the State of Texas, and shall be eligible to secure the deposit of any and all public funds of all counties, cities, or political subdivisions thereof and of public corporations of every character within the State of Texas; and said bonds shall be lawful and sufficient security for said deposits to the extent of one hundred per cent (100%) of the face amount of said relief bonds when accompanied by all unmatured coupons appurtenant thereto. This provision shall take precedence over all laws and parts of laws in conflict herewith, and all laws and parts of laws in conflict with this provision are hereby repealed to the extent of such conflict.

H. Said bonds shall be approved as to form and validity by the Attorney General of the State of Texas, and after such approval each of said bonds shall be signed by the Governor, attested by the Secretary of State, under the seal of the State of Texas, and registered by the State Comptroller of Public Accounts, and the lithographing of the facsimile signatures of such officers on the coupons shall be sufficient for such purpose.

I. Said bonds shall have interest coupons attached to them, and the form, printing, lithographing and/or engraving of said bonds shall be provided for by the Texas Bond Commission in installments or otherwise, and after being printed, lithographed and/or engraved, signed, attested and registered by the proper officials, the bonds shall be immediately deposited with the State Treasurer of Texas for registration and for safe-keeping. It shall be the duty of said officer to keep a record of said bonds so deposited with him in a special book procured and kept for that purpose. Said bonds shall be subject to registration in the name of the holder as to principal, on books kept for that purpose in the office of the Comptroller of Public Accounts, as evidenced by the endorsement upon the back thereof, and after such registration the principal

thereof shall be payable only to the registered owner, his legal representatives or assigns. After being registered such bonds may again be made payable to bearer by endorsement thereon, and such bonds shall continue subject to registration and to payment to bearer at the option of the holder; provided that such change of endorsement is registered with the Comptroller of Public Accounts. The coupons attached to said bonds shall be and continue payable to bearer.

Sec. 2. The Texas Relief Bonds herein issued shall be sold by the Texas Bond Commission, heretofore created by Chapter 37, Acts of the First Called Session of the Forty-third Legislature, in the following manner:

Three Million Five Hundred Thousand (\$3,500,000.00) Dollars of bonds shall be sold by said Texas Bond Commission, without the necessity of any application, on such date prior to May 1st, 1935, as will, in the opinion of said Texas Bond Commission, give adequate time to make the proceeds from such sale available to the Texas Relief Commission on May 1st, 1935. No bonds, as provided for hereunder, shall be sold from and after the twenty-sixth day of August, 1935. It is further provided that no officer, or officers, board, commission, or any person whatever shall borrow from any government, or from any source, or permit advances of any amount whatsoever, for any of the purposes stated in Section 51-a, Article 3, of the Constitution, in anticipation of the future issuance of bonds, and any such loan or advance shall be void, and shall create no obligation against the State of Texas, and any officer of the State of Texas or any officer or member of any board or commission of the State of Texas participating in such attempted loan or advance shall be guilty of high crimes and misdemeanors.

Sec. 3. The bonds authorized to be sold by this Act shall be sold by the Texas Bond Commission at a time and place to be designated by the Bond Commission, and, after advertisement, published in three (3) newspapers of general public circulation in the State of Texas, which publication shall be made once, at least one (1) week prior to the day fixed for the sale of the bonds, the advertisements specifying date.

amount, and maturities of the bonds, the rate of interest, and such other provisions as the said Commission may deem proper, provided that the notice of sale shall contain proper provisions offering said bonds on basis of different and various rates of interest, none of which shall exceed a rate of three and one-fourth per cent ($3\frac{1}{4}\%$) per annum. Said Commission may in its discretion publish a similar advertisement in one (1) newspaper of general circulation outside the State of Texas. Offers for said bonds shall be made upon sealed bids filed with the Secretary of said Bond Commission and accompanied by such earnest payment as the Bond Commission may direct; the said Bond Commission shall reserve the right to reject all bids, but in the event a bid is accepted, the State Treasurer, on order of the Texas Bond Commission, is directed to deliver on such date and/or dates as may be fixed by the Texas Bond Commission said bonds to the purchasers after he shall have received, for the credit of the State of Texas, current funds of the United States in the amount of the accepted bid for said bonds, which shall in no event be less than par and accrued interest to the date of delivery. In the event bids are not received for the purchase of all or any part of said offer of bonds or in the event the Bond Commission rejects all bids for any or all of said offer of bonds, said Commission may re-advertise said bonds as above provided, or may in its discretion proceed to sell at private sale all or any part of same to the Reconstruction Finance Corporation, or to any other governmental agency or to any person, firm or corporation for cash and in such manner as shall be provided for by the Texas Bond Commission, provided, however, that none of said bonds shall be sold for a price less than the par value thereof and accrued interest thereon to the date of delivery. No commission, directly or indirectly, shall be allowed upon the sale of said bonds or any of them.

The funds other than accrued interest and/or premiums received from the sale of said bonds shall be credited by the State Treasurer to the "Relief Bond Fund." Any amounts received as accrued interest and/or premiums from the sale of

said bonds shall be placed to the credit of a fund designated as "The Texas Relief Bond Sinking Fund, Fourth Series." Both of said funds shall be deposited in accordance with the depository laws of the State of Texas for the deposit of other State Funds.

Sec. 4. Texas Relief Bonds, Fourth Series, shall be redeemed and retired in the following manner:

In obedience to Section 51-a of Article 3 of the Constitution which places upon the Legislature the duty to make such appropriations as are necessary to pay the interest and principal of such bonds as the same become due, there is hereby appropriated out of all revenues received from all sources except from taxes on real property for each and every year that any Texas Relief Bonds, Fourth Series, are outstanding, a sum sufficient to pay the principal and interest on such bonds as the same become due. From and after the effective date of this Act and until all Texas Relief Bonds, Fourth Series, have been retired, the Treasurer of the State of Texas, as he receives any and all moneys (from sources other than taxes on real property) for the use and benefit of, and which under the present law would go to the General Revenue Fund of the State shall first, before such moneys go into the General Revenue Fund, annually set up out of such moneys a special and separate fund in anticipation of and sufficient to meet all interest and maturity requirements on said bonds for the fiscal year next succeeding, which said fund shall be deposited to the credit of "Texas Relief Bonds Sinking Fund, Fourth Series." In event the revenues thus received by the Treasurer shall be insufficient to meet said anticipated maturities of principal and interest, there is hereby appropriated from revenues received from all sources other than from taxes on real property, not otherwise specifically appropriated by the Constitution, sufficient money to meet said anticipated maturities of principal and interest, and the Treasurer is hereby ordered to place said additional moneys in said Sinking Fund. Said Texas Relief Bonds Sinking Fund, Fourth Series, shall be kept by said State Treasurer as a separate fund out of which the interest on said Texas Relief Bonds, Fourth Series,

shall be paid, and out of which said bonds shall be redeemed and retired as they become due, and the same is hereby appropriated for each and every year while such bonds, or any of them, are outstanding, for the purpose of paying the interest and principal of said bonds as the same becomes due; it being the intention of the Legislature, and the Legislature hereby does set apart, preserve and appropriate an adequate fund to pay off and discharge the principal and interest of said bonds as and when the same become due and payable.

Sec. 5. If, on the twenty-sixth day of August, A. D., 1935, any or all of the bonds which have been authorized herein have not been sold, it shall be the duty of the State Treasurer, in the presence of the other two members of the Texas Bond Commission, to destroy by burning any unsold bonds and all interest coupons appended thereto. After said bonds shall have been destroyed by burning, as above provided, it shall be the duty of said members of said Commission to make a certificate in writing to the effect that said bonds were destroyed in accordance with the provisions of this law, giving the date on which said bonds were so destroyed by the State Treasurer, and file said certificate in the office of the Secretary of State of the State of Texas. As the bonds mature and are paid they shall be forthwith destroyed and report thereon filed in like manner.

Sec. 6. If, at the time the State Board of Control ceases to administer the duties imposed by Chapter 34, Acts of the Third Called Session of the Forth-third Legislature, there shall remain with the State Treasurer any sums of money which have been derived from the sale of any of said bonds it shall be the duty of said State Treasurer to transfer said money out of said special account to The "Texas Relief Bond Sinking Fund, Fourth Series."

Sec. 7. Any owner or holder of any of the bonds herein issued, in the event of default in the payment of said bonds, or of any interest payment thereon, shall have and is hereby granted, the right to institute a suit, or suits, against the State of Texas in any court of competent jurisdiction in Travis County, Texas, for the purpose of enforcing

payment thereof. Service of the process on the Attorney General shall be sufficient in any such suit against the State.

Sec. 8. The proceeds of the sale of any and all bonds sold under the provisions of this Act are hereby appropriated to the State Board of Control for the purposes and subject to the restrictions as set forth in this Act.

Sec. 9. Out of the funds herein appropriated there shall be paid the expense for printing, lithographing and/or engraving the bonds, and the signing of same as well as all expenses incident to the sale thereof and the purchase of the books and supplies incident to keeping the record therefor.

Sec. 10. Provided that the State Board of Control is prohibited from expending more than Five Hundred Thousand Dollars (\$500,000.00) per month for the months of May, June, July, August, September, October, and November, 1935, out of the funds herein provided. Provided, further, that any and all of such sums of money not expended during the month for which allocated may be expended by the State Board of Control during any succeeding month or months.

Sec. 11. Section 11 of Chapter 34, Acts of the Third Called Session of the 43rd Legislature is hereby repealed, and the State Board of Control is authorized and instructed to expend from the proceeds of the sale of the last One Million Five Hundred Thousand Dollars (\$1,500,000.00), of Texas Relief Bonds, Third Series, now remaining available, not more than Five Hundred Thousand Dollars (\$500,000.00), per month for the months of February, March and April, 1935, provided, however, that any and all of such sums of money not expended during the month for which allocated may be expended by the State Board of Control during any succeeding month or months.

Sec. 12. That all of the rights, powers and duties of the Relief Commission Division of the State Board of Control, as defined and conferred by Chapter 34, Acts of the Third Called Session of the 43rd Legislature, are in all things hereby confirmed and extended; it not being the intention of the Legislature, by this Act, to repeal those Sections of said

Chapter 34, not herein expressly mentioned.

Sec. 13. The State Board of Control is hereby expressly charged with the proper administration of the funds provided for in this Act and of the relief problems arising thereunder and shall dispose of all property and equipment heretofore and hereafter purchased for use in distributing relief funds and in the administration of this Act and expend the proceeds therefrom as herein provided, and this Act shall be cumulative and supplementary and nothing in this Act shall be construed to repeal Chapter 34 Acts of the Third Called Session of the Forty-third Legislature, except that all of the relief funds herein provided shall be used for the relief of the unemployable if the State Board of Control shall deem wise and proper; provided, however, that the agencies charged with the duty of expending Federal funds in the State of Texas may direct the expenditure of said Federal funds through the State Board of Control and the setup herein authorized, but without expense or obligation on the part of the State of Texas. Only those who are bona fide resident citizens of the State of Texas shall be employed to perform any of the functions hereby authorized. Said Board of Control shall adopt strict rules and regulations to be faithfully observed by case workers to the end that those who can obtain work or provide at least a part of their keep shall do so under penalty or permanent removal from any and all classes of relief; and a list of the names of all persons receiving relief hereunder shall be open for inspection as other public records.

Sec. 14. Any person, or persons, charged with the duty or responsibility of administering, disbursing, auditing, or otherwise handling the funds provided for in this Act, and who shall misappropriate any such funds, or who shall knowingly make a false report concerning, or who shall knowingly and unlawfully distribute or expend any of same, shall be deemed guilty of a felony, and shall, upon conviction thereof, be confined in the State Penitentiary for a term of not less than one (1) year and not more than five (5) years.

Sec. 15. Any person or persons who shall knowingly make any false

statement or misrepresentation in order to procure any sum or sums of money or other relief provided by this Act, or secure any relief or funds under any other than his true name, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) or be confined in the county jail for a period of not exceeding three (3) months, or by both such fine and jail sentence.

Sec. 16. The Board of Control, as such members of the Texas Relief Commission, the Director appointed by them, and the Assistant Director by them appointed, shall have the power to administer oaths or affirmations relative to the discharge of their duties, and in an inquiry relative thereto, and any person testifying falsely before such Board of Control, or such Director, or Assistant Director, shall be subject to the pains and penalties prescribed in the Penal Code of the State for false swearing. No person or family shall receive any relief, either direct or work, unless and until such person or the head of such family shall have subscribed a statement under oath duly administered by some person authorized to administer oaths under the laws of this State or by any officer and/or case worker for the State Board of Control or any County Relief Board, and all such officers and case workers are hereby authorized to administer such oaths and are required and it is made their duty to administer such oaths free of charge, on such forms as may be prescribed by the State Board of Control, setting forth the conditions and circumstances which entitled such person and/or family to such direct relief or work relief, and any person knowingly making any false statement under oath, as above provided, shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than two (2) years nor more than five (5) years.

Sec. 17. Each member of the Board of Control shall receive, in addition to the salary now provided by law, the sum of One Thousand Two Hundred Dollars (\$1,200.00) per year payable in the same manner as their present compensation is paid, out of the funds herein provided for, as well as the necessary traveling and other expenses of such

members and employees of the Relief Commission Division of the Board of Control, but only for so long a time as there may be funds available from the herein provided for funds, and relief therefrom is being administered in this State.

Sec. 18. At such date as the State Board of Control shall cease to administer this Act, all records of the Texas Relief Commission Division of the State Board of Control shall be delivered to and be preserved by the Secretary of State as public records.

Sec. 19. If any section, clause or sentence in this Act should ever be held to be unconstitutional, such holding shall not affect the remaining portions hereof.

Sec. 20. The fact that the relief funds provided through the passage of this Act and the issuance and sale of bonds thereunder, is of vital importance to the State of Texas and the people thereof creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each House be, and same is, hereby suspended, that this Act shall be effective immediately from and after its passage, and it is so enacted.

Minutes of Committee Meetings.

Minutes of the Committee of the Whole Senate, held January 31st, 1935, at 2:00 o'clock p. m., the following Senators were present:

Present 29: Beck, Blackert, Burns, Collie, Cotten, Davis, DeBerry, Duggan, Fellbaum, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Neal, Oneal, Pace, Poage, Rawlings, Redditt, Regan, Sanderford, Shivers, Small, Stone, Sulak, Westerfeld.

Absent 2: Van Zandt, Woodruff.

Senators Rawlings, Hopkins, and Martin sent up a substitute for H. C. R. No. 6.

A second reading was called for by the following vote:

Yeas 23: Beck, Blackert, Collie, Cotten, DeBerry, Duggan, Fellbaum, Hill, Holbrook, Hornsby, Hughston, Moore, Neal, Oneal, Pace, Poage, Redditt, Regan, Shivers, Small, Stone, Sulak, Westerfeld.

Nays 5: Burns, Hopkins, Martin, Rawlings, Sanderford.

Absent 3: Davis, Van Zandt, Woodruff.

Amendment No. 2, by Senator Collie, was adopted by the following vote:

Yeas 15: Beck, Blackert, Burns, Collie, Cotten, DeBerry, Fellbaum, Hill, Hornsby, Hughston, Moore, Oneal, Redditt, Stone, Sulak.

Nays 10: Davis, Holbrook, Hopkins, Martin, Pace, Rawlings, Regan, Sanderford, Shivers, Small.

Absent 6: Duggan, Neal, Poage, Van Zandt, Westerfeld, Woodruff.

Committee substitute as amended was adopted by the Committee of the Whole by the following vote:

Yeas 21: Burns, Collie, Cotten, Davis, Duggan, Fellbaum, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Neal, Pace, Rawlings, Redditt, Regan, Sanderford, Shivers, Small, Stone.

Nays 7: Beck, Blackert, DeBerry, Moore, Oneal, Poage, Sulak.

Absent 3: Van Zandt, Westerfeld, Woodruff.

S. C. S. for H. C. R. No. 6 was reported out of the Committee of the Whole with the recommendation that it do pass by the following vote:

Yeas 29: Beck, Blackert, Burns, Collie, Cotten, Davis, DeBerry, Duggan, Fellbaum, Hill, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Neal, Oneal, Pace, Poage, Rawlings, Redditt, Regan, Sanderford, Shivers, Small, Stone, Sulak, Westerfeld.

Absent 2: Van Zandt, Woodruff.

Adopted January 31, 1935.

BOB BARKER,

Secretary of the Committee of the Whole Senate.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,
February 4, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Fellbaum.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.
DeBerry.	Hughston.
Duggan.	Martin.